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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

 TRANSMITTAL <i>(to be used for all correspondence after filing)</i> Total number of Pages in this submission 16	Application Number	09/910,345
	Filing Date	July 20, 2001
	First Named Inventor	H. Michael SHEPARD
	Group Art Unit	1645
	Examiner Name	Not Yet Assigned
	Attorney Docket No.	NB 2017.00

Commissioner for Patents  
Washington, D.C. 20231

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> FEE TRANSMITTAL FORM <input type="checkbox"/> FEE ATTACHED	<input type="checkbox"/> ASSIGNMENT PAPERS (FOR AN APPLICATION)	<input type="checkbox"/> AFTER ALLOWANCE COMMUNICATION TO GROUP
<input type="checkbox"/> AMENDMENT/RESPONSE <input type="checkbox"/> AFTER FINAL <input type="checkbox"/> AFFIDAVITS' DECLARATION(S)	<input type="checkbox"/> DRAWING(S)	<input type="checkbox"/> APPEAL COMMUNICATION TO BOARD OF APPEALS AND INTERFERENCES
<input checked="" type="checkbox"/> EXTENSION OF TIME	<input type="checkbox"/> LICENSING-RELATED PAPERS	<input type="checkbox"/> APPEAL COMMUNICATION TO GROUP (APPEAL NOTICE, BRIEF, REPLY BRIEF)
<input type="checkbox"/> EXPRESS ABANDONMENT REQUEST	<input type="checkbox"/> PETITION ROUTING SLIP (PTO/SB/60) AND ACCOMPANYING PETITION)	<input type="checkbox"/> PROPRIETARY INFORMATION
<input type="checkbox"/> INFORMATION DISCLOSURE STATEMENT W/1449	<input type="checkbox"/> TO CONVERT A PROVISIONAL APPLICATION	<input type="checkbox"/> STATUS LETTER
<input type="checkbox"/> CERTIFIED COPY OF PRIORITY DOCUMENT(S)	<input type="checkbox"/> POWER OF ATTORNEY, REVOCATION CHANGE OF CORRESPONDENCE ADDRESS	<input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):
<input type="checkbox"/> RESPONSE TO MISSING PARTS/ INCOMPLETE APPLICATION <input type="checkbox"/> RESPONSE TO MISSING PARTS UNDER 37 CFR 1.52 OR 1.53 COPY OF PTO-1533	<input type="checkbox"/> TERMINAL DISCLAIMER	SUPPLEMENTAL RESPONSE TO NOTICE TO FILE MISSING PARTS AND PRELIMINARY AMENDMENT, COPY OF NOTICE TO FILE MISSING PARTS DATED 11/20/2001, STATEMENT REGARDING SEQUENCE LISTING, PAPER COPY SEQUENCE LISTING AND COMPUTER READABLE DISKETTE SEQUENCE LISTING AND RETURN POSTCARD
<input type="checkbox"/> SMALL ENTITY STATEMENT	<input type="checkbox"/> REQUEST FOR REFUND	
<input type="checkbox"/> ISSUE FEE TRANSMITTAL	REMARKS:	
MCCUTCHEN, DOYLE, BROWN & ENERSEN LLP THREE EMBARCADERO CENTER, SUITE 1800 SAN FRANCISCO, CA 94111 TELEPHONE: (650) 849-4050 FACSIMILE: (650) 849-4800	DATE: APRIL 30, 2002 BY: <u>Antoinette F. Konski</u> ANTOINETTE F. KONSKI (REG. NO. 34,202)	
CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"		
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: April 30, 2002.		
By: <u>Peggy Nichols</u> Name of person signing: Peggy Nichols		

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**FEE TRANSMITTAL  
FOR FY 2002**

Patent fees are subject to annual revision.

**Complete if Known**

Application Number 09/910,345

Filing Date July 20, 2001

First Named Inventor H. Michael SHEPARD

**COPY OF PAPERS  
ORIGINALLY FILED**

Examiner Name Not Yet Assigned

Group Art Unit 1645

Attorney Docket No. NB 2017.00

**TOTAL AMOUNT OF PAYMENT**

(\$ 720.00)

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

50-1189

Deposit  
Account  
Name

McCutchen Doyle Brown &amp; Enersen LLP

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ )

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
- 20** =	*	x	= \$
Independent Claims - 3** =	*	x	= \$

Multiple Dependent

= \$

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claims, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\* or number previously paid, if greater; For reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	720.00
128	1,960	228	980	Extension for reply within fifth month	
119	330	219	160	Notice of Appeal	
120	330	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 720.00)

**SUBMITTED BY**

Name (Print/Type)

Antoinette F. Kinski

Registration No.  
(Attorney/Agent)

34,202

Complete (if applicable)

Telephone

(650) 849-4950

Signature

Date

April 30, 2002

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

52077470.1/23896-7101



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/910,345	07/20/2001	H. Michael Shepard	23896-201700

CONFIRMATION NO. 4437

## FORMALITIES LETTER



\*OC000000007101543\*

Antoinette F. Konski  
McCutchen, Doyle, Brown & Enersen, LLP  
18th Floor  
Three Embarcadero Center  
San Francisco, CA 94111

Date Mailed: 11/20/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE